

CLASSIFICATION OFFICE DECISION

Title of publication: JPG_1955170084

Other known title(s): Not stated

OFLC ref: 1800016.011

Medium: Computer Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: The District Court at Auckland

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 02 March 2018

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

Summary of reasons for decision:

The computer image file depicts sexual activity between several men and a young woman. The Classification Office has considered whether it promotes or support, or tends to promote or support, the exploitation of young persons for sexual purposes in terms of s3(2)(a) of the Films, Videos, and Publications Classification Act, and concluded that it does not. The young woman is youthful but does not present as a young person to a degree sufficient to meet the threshold of this criteria. The publication's unrestricted availability is however likely to be injurious to the public good. It is an explicit record of sexual activity and was taken with the express purpose of sexually arousing the viewer. There is potential for harm in exposing children and teenagers to explicit sexual material before they are developmentally ready, as it is likely to negatively affect their development of sexual attitudes and behaviours. The computer image file is therefore restricted to adults. While this restriction limits the right to freedom of expression afforded by the New Zealand Bill of Rights Act 1990, it is a reasonable and demonstrably justifiable limitation in the interest of limiting likely injury to the public good.